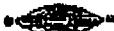


**LOCAL JOINT ADJUSTMENT BOARD OF SHEET METAL WORKERS LOCAL UNION No. 38
AND SHEET METAL AND ROOFERS EMPLOYERS ASSOCIATION OF SOUTHEASTERN, N.Y., INC.**

P. O. Box 119, 38 Starr Ridge Road, Brewster, New York 10509 (845)278-6868 Fax (845)279-1061



VIA CERTIFIED MAIL:

November 6, 2006

D.F. S. HVAC
P.O. Box 291
Bedford Hills, NY 10507

RE: Grievance 38-06-08
SMWIA Local 38 v. D.F.S. HVAC

Job: Various

Ladies and Gentlemen:

The Local Joint Adjustment Board (LJAB) for the Sheet Metal Industry met on November 1, 2006 to consider the above-referenced matter.

The LJAB determined that all procedural requirements had been met, that the grievance was timely, and was properly before the Board for consideration. D.F.S. was not represented. Based upon the record and testimony of the parties, the LJAB rendered the following decision:

The Board finds that D.F.S. HVAC violated Article XII, Section 2, Paragraphs 4 and 6 (Billing Procedure) of the Agreement.

The penalties include delinquent payment of \$1329.60/July; \$5299.50/August; \$5370/September and \$1500 in legal, interest and administrative fees for a total of \$13,499.10. D.F.S. HVAC is to remit the amount of \$13,499.10 to the Local Union office within 30 days of the above date. The added penalty of \$1,500 will be held in abeyance if the delinquent amount is paid plus liquidated damages.

We call your attention to the following language of Article X, Section 2 of the SIUA:

"Except in the case of a deadlock, a decision of a Local Joint Adjustment Board shall be final and binding."

Stephen M. Quaranto
Stephen Quaranto, Business Manager

11/7/06
Date

Lawrence Sturgis
Lawrence Sturgis, Secretary